

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **CHAIRMAN DEBBY BARRETT**, on February 25, 2003  
at 7 A.M., in Room 455 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Debby Barrett, Chairman (R)  
Rep. Dee Brown, Vice Chairman (R)  
Rep. Larry Jent, Vice Chairman (D)  
Rep. Norman Ballantyne (D)  
Rep. Arlene Becker (D)  
Rep. Sue Dickenson (D)  
Rep. Carol Gibson (D)  
Rep. Hal Jacobson (D)  
Rep. Ralph Lenhart (D)  
Rep. Bernie Olson (R)  
Rep. Pat Wagman (R)  
Rep. Cindy Younkin (R)  
Rep. Daniel S. Hurwitz (R)  
Rep. Larry Lehman (R)  
Rep. Alan Olson (R)  
Rep. Don Roberts (R)  
Rep. Clarice Schrupf (R)  
Rep. Frank Smith (D)  
Rep. Jonathan Windy Boy (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Sheri Heffelfinger, Legislative Branch  
Joan Reiman, Committee Secretary

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed.

##### **Committee Business Summary:**

**Executive Action:** HB's 599, 645, 651, 662, 680, 707 & 719.

**Hearing and Date Posted:** HJR 25, HB's 686, 655, 674, 687,  
734, 715, 602, 692, 731 & 715 - 2/21/2003.

**Executive Action:** HJR's 25 & 28, HB's 715, 731, 687, 734,  
686, 655, 692, 602, 674, 599, 651, 662, 680 719, 645, 707.

**Results:** HB's 651, 662, 602, 719, 734 & HJR 25 DO PASS;  
HB's 599, 680, 687, 731 & HJR 28 DO PASS AS AMENDED;  
HB'S 645, 655, 674, 692, 707 & 715 TABLED.

EXECUTIVE ACTION ON HB 599

Motion: REP. BROWN moved HB 599 DO PASS.

Motion: REP. BROWN moved TO AMEND HB 599.

The amendment (059901.ash) was distributed.

**EXHIBIT**(sth42a01)

Discussion:

REP. BROWN said the community colleges were "tweaked." This bill specifies that their special elections would be by a political subdivision. Their spring levy election is county-wide. REP. A. OLSON said this deals only with county-wide elections, not school districts. REP. WAGMAN named several school districts which are county-wide.

Vote: On a voice vote, motion carried 19-0 with REP. WINDY BOY voting by proxy.

Motion: REP. BROWN moved HB 599 DO PASS AS AMENDED. On a voice vote, motion carried 18-1 with REP. SMITH voting no and REP.

WINDY BOY by proxy.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 6}

EXECUTIVE ACTION ON HB 645

Motion: REP. A. OLSON moved HB 645 DO PASS.

Discussion:

REP. BROWN said she hesitated; cities and counties should do this, but she was not sure if it should be a law. REP. ROBERTS said one man had a problem, but they can't make law for just one situation. REP. HURWITZ said they should tell why he did not get the bid. REP. BALLANTYNE was against the motion. REP. B. OLSON said the road foreman mentioned vehicles; he is against this, as was REP. LENHART. REP. LEHMAN said it erodes local control. CHAIRMAN BARRETT was for it. REP. BROWN said they should take out the part about courts and suits. REP. GIBSON agreed with that. REP. SMITH said there are ways to get around that problem; he was against.

Vote: By voice vote, motion failed 4-15. Voting yes were REPS. YOUNKIN, BARRETT, HURWITZ and A. OLSON; REP. WINDY BOY voted by proxy.

**Motion/Vote:** REP. A. OLSON moved TO REVERSE THE VOTE AND TABLE HB 645. Motion carried 19-0. Vote to table was thus 15-4 with REPS. YOUNKIN, BARRETT, HURWITZ, and A. OLSON voting no, with REP. WINDY BOY voting by proxy.

***{Tape: 1; Side: A; Approx. Time Counter: 6 - 13.4}***

REP. WINDY BOY entered the meeting after this vote.

**EXECUTIVE ACTION ON HB 719**

**Motion:** REP. A. OLSON moved HB 719 DO PASS.

**Discussion:**

REP. OLSON said this bill tweaks the initiative process. REP. GIBSON said she was opposed. REP. ROBERTS said that with earlier voting, voters don't get to hear the debate, and that select groups put out an agenda. REP. A. OLSON agreed. REP. DICKENSON disagreed. REP. WAGMAN said moving the deadline from four to six months before elections will give voters more time to sort out the facts. CHAIRMAN BARRETT said she was in favor and that other states have done this because "they realize the initiative process was taken over by [special interest] groups."

**Vote:** On a roll call vote, motion carried 10-9. Voting no were REPS. JENT, BALLANTYNE, BECKER, DICKENSON, GIBSON, JACOBSON, LENHART, SMITH and WINDY BOY.

***{Tape: 1; Side: A; Approx. Time Counter: 13.4 - 21.2}***

**EXECUTIVE ACTION ON HB 680**

**Motion:** REP. YOUNKIN moved HB 680 DO PASS.

**Motion:** REP. YOUNKIN moved to AMEND HB 680. It was distributed. **EXHIBIT** (sth42a02)

**Discussion:**

REP. BROWN asked how the amendments changed the bill. REP. YOUNKIN replied that Amendment 3 is what one needs in a legal description to record documents; it cleans up language. The fee for over/under-sized pages will be \$10/pg., not \$25/pg. REP. BALLANTYNE asked Ms. Heffelfinger about striking subsection 0. CHAIRMAN BARRETT asked if the sponsor was sure the amendment

would bring both sides together. **REP. YOUNKIN** replied sponsor had visited with both sides on this.

**Vote:** On a voice vote, motion carried 19-0.

**Motion:** **REP. YOUNKIN** moved HB 680 DO PASS AS AMENDED.

**Discussion:**

**REP. YOUNKIN** said requirements between Clerk and Recorder offices vary; consistency would be better. **REP. BROWN** said this can be done through education of title companies, etc. **REP. LEHMAN** said title companies opposed it; they want to self-police to keep local control. **REP. ROBERTS** said it standardized documents. **REP. A. OLSON** said Clerk and Recorders are moving to digital reproduction and need control over the filing/recording process.

**Vote:** On a voice vote, motion carried 17-2. Voting no were **REPS. BROWN** and **LEHMAN**. **REP. LEHMAN** voted by proxy.  
{Tape: 1; Side: A; Approx. Time Counter: 21.2 - 32}

**EXECUTIVE ACTION ON HB 651**

**Motion:** **REP. A. OLSON** moved HB 651 DO PASS

**Discussion:**

**REP. A. OLSON** said this bill moves the date of the presidential primary back. He wants school elections and primaries held together earlier, but the presidential primary would only be every four years. This would create confusion at the ballot box, so he opposed this bill. **REP. B. OLSON** said they need the Secretary of State's fiscal support. **REP. ROBERTS** said **REP. HARRIS** admitted this needed funding; Appropriations Committee can evaluate it later. **REP. JENT** said Help America Vote Act (HAVA) has money for elections, so they could pass it now and then look for the money. **REP. WAGMAN** supported; it brings federal attention to western states land issues. **REP. JACOBSON** supported. **REP. YOUNKIN** asked about making the primary for President earlier than Florida.

**Vote:** On a voice vote, motion carried 17-2. Voting no were **REPS. ALAN OLSON** and **BROWN**.  
{Tape: 1; Side: A; Approx. Time Counter: 32 - 39}

EXECUTIVE ACTION ON HB 662

Motion: REP. A. OLSON moved HB 662 DO PASS.

Motion: REP. A. OLSON moved HB 662 BE TABLED. On a roll call vote, motion failed 6-13. Voting yes were CHAIRMAN BARRETT, REPS. BALLANTYNE, HURWITZ, A. OLSON, ROBERTS and WAGMAN.

Discussion:

REP. BALLANTYNE said he has to oppose. REP. LENHART said it includes too many people and costs \$1 million. REP. LEHMAN agreed it was too encompassing. REP. GIBSON discussed a survivor living in poverty.

Motion/Vote: REP. WAGMAN moved TO TABLE HB 662 AGAIN. On a roll call vote, motion failed 7-12. Voting yes were CHAIRMAN BARRETT, REPS. BALLANTYNE, HURWITZ, A. OLSON, ROBERTS, YOUNKIN and WAGMAN.

Discussion:

CHAIRMAN BARRETT said they really need the fiscal note to see what it would cost. It would increase local mill levies.

Vote: On a voice vote, motion carried 10-9. Voting no were CHAIRMAN BARRETT, REPS. BALLANTYNE, DICKENSON, HURWITZ, A. OLSON, B. OLSON, ROBERTS, YOUNKIN and WAGMAN.

*{Tape: 1; Side: A; Approx. Time Counter: 39 - 50.5}*

EXECUTIVE ACTION ON HB 707

Motion: REP. A. OLSON moved HB 707 DO PASS.

Discussion: REP. OLSON said there was a fiscal impact but there is no fiscal note.

Motion: REP. A. OLSON moved HB 707 BE TABLED. On a voice vote, motion failed 9-10. Voting yes were CHAIRMAN BARRETT, REPS. BROWN, DICKENSON, HURWITZ, LEHMAN, A. OLSON, B. OLSON, ROBERTS and SCHRUMPF.

Discussion:

REP. YOUNKIN had amendments to add money to the Montana Highway Patrol (MHP) retirement system. REP. A. OLSON said it won't work. REP. BROWN referenced the possible cost, \$75 million; she opposed

this bill. REP. B. OLSON said the cost would only be \$22 million.

**Motion:** REP. YOUNKIN moved TO AMEND HB 707. On a voice vote, amendment passed 12-7. Voting no were REPS. B. OLSON, A. OLSON, LENHART, BROWN, LEHMAN, BARRETT and SCHRUMPF. SCHRUMPF voted by proxy.

**EXHIBIT**(sth42a03)

**Motion/Vote:** REP. WAGMAN moved HB 707 DO PASS AS AMENDED. Motion failed 4-15 on a roll call vote. Voting yes were REPS. BALLANTYNE, JACOBSON, SMITH and YOUNKIN.

**Motion:** REP. ALAN OLSON moved TO REVERSE THE VOTE and TABLE HB 707. On a voice vote, motion carried 19-0. HB 707 was thus TABLED 15-4 with REPS. BALLANTYNE, JACOBSON, SMITH and YOUNKIN voting no.

*{Tape: 1; Side: A; Approx. Time Counter: 50.5 - 60}*

#### HEARING ON HJR 25

**Sponsor:** REP. CAROL JUNEAU, HD 85

#### Opening Statement by Sponsor:

REP. JUNEAU said this resolution would go with an application to the North West Foundation for Funding for an 11-city area which includes four tribes. She submitted a letter.

**EXHIBIT**(sth42a04)

*{Tape: 1; Side: B; Approx. Time Counter: 0 - 2.9}*

#### Proponents' Testimony:

Peggy Beltrone, Cascade County Commissioner, testified in favor.

Paul Tess, Havre, Fiscal Agent for the Project, said the project would have 10-year funding.

REP. BOB BERGREN, HD 90, was also in favor.

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

**REP. BROWN** asked Mr. Tess about lines 24-25. He said the counties involved are Glacier, Toole, Pondera, Teton, Cascade, Liberty, Hill, Phillips, Blaine, Choteau, and Judith Basin.

The sponsor did not close.

**EXECUTIVE ACTION ON HJR 25**

**Motion/Vote:** REP. YOUNKIN moved HJR 25 DO PASS. Motion carried 19-0 with proxies received from REPS. HURWITZ, LEHMAN, A. OLSON, SCHRUMPF, ROBERTS and WINDY BOY.

**Motion/Vote:** REP. BROWN moved HJR 25 TO THE CONSENT CALENDAR. Motion carried 19-0 with proxies received from REPS. HURWITZ, LEHMAN, A. OLSON, SCHRUMPF, ROBERTS and WINDY BOY.

**HEARING ON HB 686**

**Sponsor:** REP. BOB BERGREN, HD 90

**Opening Statement by Sponsor:**

**REP. BERGREN** said there was a codification error last session in the Police Retirement Deferred Retirement Option Plan (DROP), leaving it with only a six-month window. He gave a fact sheet.

**EXHIBIT**(sth42a05)

*{Tape: 1; Side: B; Approx. Time Counter: 3.7 - 6.3}*

**Proponents' Testimony:**

**Ken Dove, Sgt., Montana Police Protective Association,** testified in favor.

**Jim Kembel, Montana Association of Chiefs of Police,** testified in favor.

**Melanie Symons, PERS Legal Counsel,** testified in favor and provided a copy of testimony.

**EXHIBIT**(sth42a06)

**Tom Schneider, MPEA,** testified in favor.

**Frank Cole, Retired Police Officer Association,** testified in favor.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

The sponsor closed.

EXECUTIVE ACTION ON HB 686

Motion/Vote: REP. YOUNKIN moved HB 686 DO PASS. Motion carried 19-0 with proxies received from REPS. SCHRUMPF, ROBERTS and WINDY BOY.

Motion/Vote: REP. BALLANTYNE moved HB 686 TO THE CONSENT CALENDAR. Motion carried 19-0 with proxies received from REPS. SCHRUMPF, ROBERTS and WINDY BOY.

*{Tape: 1; Side: B; Approx. Time Counter: 6.3 - 9}*

HEARING ON HB 655

Sponsor: REP. JOEY JAYNE, HD 73

Opening Statement by Sponsor:

REP. JAYNE testified this bill increases terms in the House from 2 to 4 years, and in the Senate, from four to six years. It costs counties a total of \$884,000 to run an election, so this would save money. This bill would change the Constitution in two places. She gave a fact sheet.

**EXHIBIT** (sth42a07)

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. B. OLSON asked if the election would still be every two years for US House. REP. JAYNE replied that it would. REP. YOUNKIN asked if sponsor visited with the drafter regarding one vote changing two sections of the Constitution; sponsor will



check that out. **REP. LENHART** asked if it would affect sitting legislators. It was unclear. **REP. LEHMAN** asked Ms. Heffelfinger to compare this with **REP. LINDEEN's** bill for longer terms. **REP. YOUNKIN** said that **REP. LINDEEN's** bill did not lengthen terms, it gave an extra term within the limits. **REP. BECKER** asked if it would be like election of US Senators where 1/3 are elected every two years. Sponsor said a US House election has to be held every two years.

**Closing by Sponsor:**

**REP. JAYNE** closed.

**{Tape: 1; Side: B; Approx. Time Counter: 9 - 24.9}**

**HEARING ON HB 674**

**Sponsor:** **REP. GARY BRANAE, HD 17**

**Opening Statement by Sponsor:**

**REP. BRANAE** said this bill tries to deal with the high cost of prescriptions.

**{Tape: 1; Side: B; Approx. Time Counter: 25 - 28}**

**Proponents' Testimony:**

**Bill Kennedy, Yellowstone County Commissioner,** testified in favor of the bill.

**Gordon Morris, Director of MACO,** testified in favor of the bill.

**Pat Harper, AARP State Director,** testified in favor of the bill and gave a copy into exhibit.

**EXHIBIT (sth42a08)**

**Nadine Waiting, National Association of Churches,** testified in favor of the bill.

**June Hermanson, Montana with Disabilities for Equal Access,** testified in favor of the bill.

**Al Davis, Montana Mental Health Association,** testified in favor of the bill.

**Beta Lovett, Montana Medical Association and Psychiatric Association,** testified in favor of the bill.

**Sami Butler, Montana Nurses Association (MNA),** testified in favor of the bill.

**REP. LARRY LEHMAN, HD 87**, testified that he had to have one shot monthly at a cost of \$1,600. A quarterly infusion cost \$6,000.

**{Tape: 1; Side: B; Approx. Time Counter: 28 - 33}**

**{Tape: 1; Side: B; Approx. Time Counter: 28 - 40}**

**Opponents' Testimony:** None

**Informational Testimony:**

**Jeff Buska, Blue Cross Medicaid Services**, said he prepared the fiscal note, and is present to answer questions.

**Questions from Committee Members and Responses:**

**REPS. YOUNKIN, DICKENSON, GIBSON and SMITH** had questions for the sponsor and Mr. Buska. Montana would buy the drugs with a bulk discount. Medicaid and medicare can pay the state the wholesale price. It would not take away business from local drugstores, and they feel okay about this bill. Pharmacists would have to maintain separate inventories. It would save money.

**{Tape: 1; Side: B; Approx. Time Counter: 40 - 50}**

**Closing by Sponsor:**

The sponsor closed.

VICE CHAIR BROWN chaired the next hearing in the absence of CHAIRMAN BARRETT.

**HEARING ON HB 687**

**Sponsor:** **REP. BRAD NEWMAN, HD 38**

**Opening Statement by Sponsor:**

**REP. NEWMAN** said this would increase MHP disability from 50% to 80% if disabled in the line of duty.

**Proponents' Testimony:**

**REP. JILL COHENOUR, HD 51**, appeared as co-sponsor of the bill. She said MHP does not get Social Security so they are not eligible for Social Security disability. Their retirement comes from a special revenue account which costs the state \$206,000 annually. If they elected into social security, it would cost \$507,000.

**Steve Athearn, MHP**, told how he was injured in 1991.

**Tom Schneider, Executive Director, MPEA**, said in 1973 the MHP joined MPEA. When social security started in 1955 MHP were prohibited from joining until the 1970's, and then the money was never available for the switch.

**EXHIBIT (sth42a09)**

**Mark Taylor, Association of Montana Highway Patrolmen**, said an officer's pay starts at \$12.80/hr. If injured, they get \$6.45/hr. disability benefit, not including insurance costs.

**Col. Shaun Driscoll, MHP**, also testified in favor.

**{Tape: 1; Side: B; Approx. Time Counter: 56 - 66}**

**{Tape: 2; Side: A; Approx. Time Counter: 0 - 7}**

**Opponents' Testimony:**

**Kelly Jenkins, Legal Counsel, PERS**, opposed the effect on MHP's and other retirement systems. He said there is no vesting period, so more officers would take the disability. They don't have to be totally disabled, only occupationally disabled. No one can predict the total cost to the system of this bill. He said a better way would be a payroll tax of 3.18%, which would amount to \$260,446/yr. to pay for a full disability policy. He said it took PERS a decade to make all systems the same benefit level. This bill would result in leapfrogging, where others would want a higher benefit. Other systems such as municipal police and firefighters unified do not presently have social security, **Mr. Jenkins** testified. He gave out factual information.

**EXHIBIT (sth42a10)**

**{Tape: 2; Side: A; Approx. Time Counter: 7 - 19}**

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

**REP. LEHMAN** asked Mr. Schneider to compare the costs of joining social security between other professions. **Mr. Schneider** replied that everyone pays the same for social security, 7.65% for both employee and employer and another 1.45% for medicare. Firefighters still cannot join; other groups may join only by employee referendum. **REP. LEHMAN** wondered why they did not join. **Mr. Schneider** said an actuary can do more with the money than social security could, but he would recommend they join social security anyway.

**{Tape: 2; Side: A; Approx. Time Counter: 19 - 24}**

**Closing by Sponsor:**

**REP. NEWMAN** said there is a fiscal note, but he did not sign it. It would be more expensive for MHP to join social security now. Another possibility would be **REP. YOUNKIN'S HB 206** to raise the reinstatement fee for suspended drivers licenses to cover disability cost, he said.

**CHAIRMAN BARRETT** returned and resumed chairing the meeting.

**HEARING ON HB 734**

**Sponsor:** **REP. BOB LAWSON, HD 80**

**Opening Statement by Sponsor:**

**REP. LAWSON** said this bill would change the designated state agency for Developmental Disabilities Planning Advisory Committee (DDPAC) from Department of Public Health and Human Services (DPHHS) to Department of Commerce, with whom they have a primary financial relationship. Since 1971, DDPAC has been with DPHHS, but this will make it more of a neutral advocate, he said. Funding is 100% federal, and there is a staff of two. He provided a copy of the fiscal note.

**EXHIBIT (sth42a11)**

**Proponents' Testimony:**

**Debra Swingley, Executive Director of DDPAC**, said 60% of their money must be spent on consumers and less than 30% is used for administration. Nationally, they are becoming a separate, private, nonprofit. She gave copies of letters of support.

**EXHIBIT (sth42a12)**

**Wally Melcher, Montana Association of Independent Disability Services (MAIDS)**, said this will let DDPAC expand into neutral territory.

**Opponents' Testimony:** None

**Informational Testimony:**

**Mark Simonich, Director, Department of Commerce**, said they talked to the Governor and DPHHS, and neither opposes this.

**Janis Conselyea, representing DPHHS and the DD program**, was there to answer questions.

**Questions from Committee Members and Responses:**

**REP. BROWN** asked if DDPAC was going for a 501(c)3 status. Sponsor replied that they are not, but want to distance themselves from DPHHS; their next step would be as a nonprofit organization. **Ms. Swingley** said they are about to file for 501(c)3. Under public law, Council is prohibited from being attached to the department that pays for its services. **REP. WINDY BOY** asked about her exhibit. She said they had discussed this move for a year. He asked about the fiscal note. Sponsor deferred to **Mr. Simonich**, who said Department Commerce needed spending authority in HB 2 for those federal dollars; no state funds are involved. He said it is privatization of a federal program, but the Governor would still appoint the Council.  
{Tape: 2; Side: A; Approx. Time Counter: 42.1 - 49}

**Closing by Sponsor:**

**REP. LAWSON** closed.

**HEARING ON HB 715**

**Sponsor:** **REP. JOE BALYEAT, HD 32**

**Opening Statement by Sponsor:**

**REP. YOUNKIN** presented the bill for **REP. BALYEAT**, who had another meeting. It would revise salaries of Supreme Court justices. She asked them to table it.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

**REP. YOUNKIN** closed for **REP. BALYEAT**.

**HEARING ON HB 602**

**Sponsor:** **REP. KATHERINE GALVIN-HALCRO, HD 48**

**Opening Statement by Sponsor:**

**REP. GALVIN-HALCRO** said this would provide for a two-year moratorium on state and university motor pool vehicles. The motor pool would develop leasing preference guidelines to be submitted to an Interim Committee; vehicles would not be purchased outright. Montana Department of Transportation (MDT) would borrow from the Board of Investments, saving money for the general fund. A study guideline would be done for SUVs and 4-wheel drives. SUVs are requested most, but they cost more; state employees have no incentive to use the cheaper compact cars, she said.

***{Tape: 2; Side: A; Approx. Time Counter: 52 - 60}***

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:**

**John Blacker, MDT Maintenance Administrator,** said dual rates on fixed daily costs cover insurance, depreciation, loan payments and operation costs. A discrepancy found by the last Session was in error, which said that MDT runs the motor pool at a loss.

***{Tape: 2; Side: A; Approx. Time Counter: 63 - 66}***

**Questions from Committee Members and Responses:**

Committee asked the sponsor if the study was to get rid of the motor pool. The sponsor replied she just wanted to look at the rates and type of vehicles to get the best price.

**Closing by Sponsor:**

The Sponsor closed.

**HEARING ON HB 692**

**Sponsor:** **REP. ROSIE BUZZAS, HD 65**

**Opening Statement by Sponsor:**

**REP. BUZZAS** said this bill provides for health insurance for employees' domestic partners. She brought it because of discrimination based on marital status or sexual preference. Colorado has this insurance. It would require domestic partners to provide evidence of mingled finances. Employers could be exempted for religious reasons.

*{Tape: 2; Side: B; Approx. Time Counter: 11.4 - 16.8}*

**Proponents' Testimony:**

**Karl Olson, Director, Montana PRIDE**, said benefits comprise 30-40% of the average employee's compensation packet. If it doesn't cover domestic partners, it is unfair. He provided written testimony.

**EXHIBIT (sth42a13)**

**Travis McAdam, Montana Human Rights Network**, said the religious exemption is broad enough to satisfy the Christian Coalition.

**Scott Crichton, Executive Director, ACLU**, supported the bill and gave an exhibit.

**EXHIBIT (sth42a14)**

**REP. CHRISTINE KAUFMANN, HD 53**, supported the bill.

*{Tape: 2; Side: B; Approx. Time Counter: 16.8 - 27}*

**Opponents' Testimony:**

**Jenny Dodge, Citizens Network**, said the act could be abused by those not in a committed relationship.

**Lani Candelora, Executive Director, Montana Catholic Conference**, said the term "domestic partner" elevates them to the status of married people. She is also against cohabitation of heterosexuals. Only a church would be exempt under this bill, not hospitals or schools, she testified.

**Pastor Harris Himes, Hamilton**, asked how the state could keep track of multiple partners, and what they would do about sex changes covered by insurance; he said it would have a fiscal impact.

**Julie Millam, Montana Family Coalition**, said anyone living with a partner for six months would be eligible.

**Chris Jones, Director of the Coalition for Community Responsibility**, said the costs would be in the future, not today. He mentioned a high rate of disease among homosexuals.

**Gilda Clancy, Eagle Forum**, opposed.

**Mike Katchkey, Helena**, opposed.

**Tim Nash, Coalition for Community Responsibility**, said the groups wanted special-class status.

**{Tape: 2; Side: B; Approx. Time Counter: 27 - 44.6}**

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

**REPS. BECKER, DICKENSON, GIBSON, LEHMAN, B. OLSON, SMITH and WINDY BOY** had questions. **Sponsor** agreed the definition of whom the bill applied to is broad; heterosexuals could insure their partners under this. Employers would vary in evidence requested, but when dependents are added to insurance, employees are rarely asked for evidence, she said. **Mr. Olson** said that several federal departments offer this benefit, as do California and Vermont. Committee asked for a witness from the insurance industry, but there was none present. **Mr. Jones** said that the fiscal impact would require rate increases. He would also put nonsmokers in their own plan. He admitted pregnancy is costly, especially with complications. **Mr. Nash** said that heterosexuals have only 20-70% of the diseases that homosexuals have. **Sponsor** said costs would be low because enrollment rates are only about 1%, less than costs of covering spouses.

**{Tape: 2; Side: B; Approx. Time Counter: 44.6 - 59}**

**Closing by Sponsor:**

**REP. BUZZAS** addressed opponents' points. This does not advocate diminishing marriage. The religious exclusion would cover schools and even the Christian Coalition. This should help manage AIDS, and manage public health better. It is an equity issue, she testified.

**{Tape: 3; Side: A; Approx. Time Counter: 0 - 1.3}**

**HEARING ON HB 731**

**Sponsor:** **REP. LARRY LEHMAN, HD 87**

**Opening Statement by Sponsor:**

**REP. LEHMAN** said this is a committee bill. Volunteer firefighters who are age 55, with more than 20 years' service, would get an increased pension benefit of \$7.50/mo for each additional year up to 30. Volunteers are decreasing; on Page 2, Lines 16-18 is the heart of the bill. He provided a copy of amendments.

**EXHIBIT (sth42a15)**



**Proponents' Testimony:**

**John Semple, Montana Fire Alliance,** supported the bill.

**John Northey, Birdseye Volunteer Fire Department,** said the amendments strike out age 65 and make it dependent on years of service.

**Melanie Symons, PERS,** said it would have no additional cost because of delays in those retiring.

**{Tape: 3; Side: A; Approx. Time Counter: 8.8 - 11}**

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

The sponsor closed.

**EXECUTIVE ACTION ON HB 715**

**Motion:** REP. YOUNKIN moved HB 715 DO PASS.

**Motion/Vote:** REP. YOUNKIN moved HB 715 BE TABLED. On a voice vote, motion carried 19-0. Voting by proxy was REP. ALAN OLSON; REP. WINDY BOY'S vote was cast verbally by VICE CHAIR JENT.  
**{Tape: 3; Side: A; Approx. Time Counter: 11.4 - 13}**

**EXECUTIVE ACTION ON HB 731**

**Motion:** REP. YOUNKIN moved HB 731 DO PASS.

**Motion:** REP. YOUNKIN moved HB 731 AMENDMENTS.

**Discussion:** REP. BROWN asked if it was conceptual. Ms. Heffelfinger said they are not striking the word active.

**Vote:** On a voice vote, motion carried 19-0.

**Motion:** REP. YOUNKIN moved HB 731 DO PASS AS AMENDED. On a voice vote, motion carried 19-0. Voting by proxy was REP. ALAN OLSON; REP. WINDY BOY'S vote was cast verbally by VICE CHAIR JENT.

**Motion/Vote:** REP. B. OLSON moved HB 731 to THE CONSENT CALENDAR. On a voice vote, motion carried 19-0. Voting by proxy was REP. ALAN OLSON; REP. WINDY BOY'S vote was cast verbally by VICE CHAIR JENT.

*{Tape: 3; Side: A; Approx. Time Counter: 13 - 16}*

REP. A. OLSON returned to the room.

**EXECUTIVE ACTION ON HB 687**

**Motion:** REP. YOUNKIN moved HB 687 DO PASS.

**Discussion:** She said this is REP. NEWMAN's bill for MHP. The bill refers to HB 206; the funding can cover HB 687. REP. ALAN OLSON said they could do it on the floor as a conceptual amendment. Ms. Heffelfinger said they could do it before the second reading.

**Motion/Vote:** REP. YOUNKIN moved HB 687 AMENDMENTS TO COORDINATE WITH HB 206. On a voice vote, motion carried 19-0. REP. SMITH voted by proxy and REP. WINDY BOY'S vote was cast verbally by VICE CHAIR JENT.

**Motion:** REP. YOUNKIN moved HB 687 DO PASS AS AMENDED.

**Discussion:** REP. WAGMAN said this is not a fair bill. They need to judge on a sliding scale if disabled MHP can earn any income. REP. YOUNKIN pointed out that Line 15 says disability as a result of line-of-duty injury. She said there is a Social Security aspect; city police can qualify for SSI if injured. REP. LEHMAN said MHP could opt to join Social Security. REP. B. OLSON said that is costly.

**Vote:** On a roll call vote, motion carried 14-5. Voting no were CHAIRMAN BARRETT, REPS. BROWN, LEHMAN, B. OLSON, AND WAGMAN. REP. SMITH voted by proxy and REP. WINDY BOY'S vote was cast verbally by VICE CHAIR JENT.

*{Tape: 3; Side: A; Approx. Time Counter: 16 - 25}*

**EXECUTIVE ACTION ON HB 734**

**Motion/Vote:** REP. BROWN moved HB 734 DO PASS. On a voice vote, motion carried 19-0. REP. SMITH voted by proxy and REP. WINDY BOY'S vote was cast verbally by VICE CHAIR JENT.

Motion/Vote: REP. ALAN OLSON moved HB 734 TO THE CONSENT CALENDAR. On a voice vote, motion carried 19-0. REP. SMITH voted by proxy and REP. WINDY BOY'S vote was cast verbally by VICE CHAIR JENT.

*{Tape: 3; Side: A; Approx. Time Counter: 25 - 26}*

EXECUTIVE ACTION ON HB 655

Motion: REP. B. OLSON moved HB 655 DO PASS.

Substitute Motion: REP. JENT moved HB 655 BE TABLED. On a voice vote, motion carried 19-0. REP. SMITH voted by proxy and REP. WINDY BOY'S vote was cast verbally by VICE CHAIR JENT.

*{Tape: 3; Side: A; Approx. Time Counter: 26 - 27}*

EXECUTIVE ACTION ON HB 692

Motion: REP. A. OLSON moved HB 692 DO PASS.

Motion: REP. A. OLSON moved HB 692 BE TABLED. On a roll call vote, motion carried 11-8. Voting no were REPS. BECKER, DICKENSON, GIBSON, JACOBSON, LENHART, B. OLSON, SMITH and WINDY BOY. REP. SMITH voted by proxy and REP. WINDY BOY'S vote was cast verbally by VICE CHAIR JENT.

*{Tape: 3; Side: A; Approx. Time Counter: 27 - 28}*

EXECUTIVE ACTION ON HB 602

Motion: REP. A. OLSON moved HB 602 DO PASS.

Motion: REP. A. OLSON moved HB 602 BE TABLED. On a voice vote, motion failed 8-11. Voting yes were REPS. BARRETT, HURWITZ, LEHMAN, A. OLSON, B. OLSON, SCHRUMPF, WAGMAN and BECKER.

Discussion: REP. BROWN said the motor pool should be investigated.

Vote: On a voice vote, motion carried 15-4; voting no were REPS. BROWN, A. OLSON, B. OLSON and WAGMAN.

*{Tape: 3; Side: A; Approx. Time Counter: 28 - 33}*

EXECUTIVE ACTION ON HB 674

Motion: REP. A. OLSON moved HB 674 DO PASS.

**Discussion:** REP. DICKENSON said pharmacies may need double inventories with this. REP. BECKER said they just buy for medicaid program.

**Motion:** REP. BECKER moved TO AMEND HB 674 BY STRIKING LINE 24(C) TO ALLOW PHARMACIES TO BUY FOR JUST THE MEDICAID PROGRAM.

**Discussion:** REP. ALAN OLSON asked what the effect would be. REP. BECKER said it cuts 4/5 of the fiscal cost.

**Vote:** On a voice vote, motion carried 18-1 with CHAIRMAN BARRETT voting no.

**Motion:** REP. BECKER moved HB 674 DO PASS AS AMENDED.

**Substitute Motion/Vote:** REP. ALAN OLSON moved HB 674 BE TABLED. On a roll call vote, motion failed 8-11. Voting yes were REPS. BARRETT, BROWN, A. OLSON, B. OLSON, ROBERTS, WAGMAN, WINDY BOY and YOUNKIN.

**Discussion:** REP. A. OLSON said this costs \$80 million; Appropriations would kill it. REP. B. OLSON said it is too late a date to look it over. REP. ROBERTS said there is no way to contain costs; they should direct it to subcommittee. As the age of the population goes up, so do costs.

**Motion/Vote:** REP. YOUNKIN moved to TABLE HB 674. On a voice vote, motion carried 13-6. Voting no were REPS. BECKER, BALLANTYNE, GIBSON, LENHART, DICKENSON and JACOBSON.  
{Tape: 3; Side: A; Approx. Time Counter: 33 - 37}

#### **EXECUTIVE ACTION ON HJR 28**

**Motion:** REP. A. OLSON moved HJR 28 DO PASS.

#### **Discussion:**

The Sponsor was called. REP. MIKE LANGE said counties object. He would deem it a friendly amendment to take out reference to local control.

**Motion/Vote:** REP. A. OLSON moved HJR 28 BE AMENDED TO TAKE OUT REFERENCE TO LOCAL CONTROL. On a voice vote, motion carried 19-0. Proxies were received from REPS. HURWITZ, WAGMAN, BROWN, LENHART and WINDY BOY.

**Motion/Vote:** REP. A. OLSON moved HJR 28 DO PASS AS AMENDED. On a voice vote, motion carried 19-0. Proxies were received from REPS. HURWITZ, WAGMAN, BROWN, LENHART and WINDY BOY.

**Motion/Vote:** REP. A. OLSON moved HJR 28 to THE CONSENT CALENDAR. On a voice vote, motion carried 18-1, with REP. SMITH voting no. Though motion carried, the bill will not be placed on the consent calendar according to House Rules H40-110(b) requiring a unanimous vote on such a motion.

***{Tape: 4; Side: A; Approx. Time Counter: 0 - 10}***

**ADJOURNMENT**

Adjournment: 11:55 A.M.

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REP. DEBBY BARRETT, Chairman

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JOAN REIMAN, Secretary

DB/JR

**EXHIBIT (sth42aad)**